

HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No.11527 of 2007

Date: 09.08.2007

-
Between :

M.Kondal Rao and others.

.....Petitioners

And

The Commissioner of Handlooms & Textiles-cum-Ex-Officio
Registrar of Cooperative Societies Department and others.

.....Respondents.

ORDER:

The petitioners are members of the fourth respondent-Weavers Cooperative Society. It was formed in the year 2006 with membership of 108. One Sri Nagaiah was appointed as an acting President of the Society. Subsequently, 25 members are said to have been admitted.

A notification to conduct the elections to elect the managing committee of the society was issued on 19.05.2007 by the Election Authority, the second respondent herein. Elections were conducted on 08.06.2007. At that stage, the petitioner approached this Court complaining that several persons, who do not hold the qualifications to become members, were admitted and on the basis of such incorrect voters' list, the elections were held.

Heard Sri K.Indira Reddy, the learned counsel for the petitioners and the learned Government Pleader for Industries.

The objection raised by the petitioners is about the accuracy and correctness of the voters' list. The A.P. Cooperative Societies Act and the Rules made thereunder prescribe the procedure for admitting individuals as members of the society as well as for resolution of disputes in relation thereto. Further, if the election to the managing committee is vitiated, the aggrieved party can file an election petition before the Cooperative Tribunal under Section 76 of the A.P. Cooperative Societies Act,

1964 (for short 'the Act'). This Court cannot undertake enquiry into the disputed questions of fact. Further, the persons, whose membership is challenged, must also be put on notice by impleading them. All this would be possible in the proceedings that may be initiated under the relevant provisions of the Act.

For the foregoing reasons, the writ petition is disposed of, leaving it open to the petitioners to work out their remedies in accordance with the relevant provisions of the Act. There shall be no order as to costs.

09.08.2007

Note: Issue cc in three days.

(B/o)

kdl

-

-